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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,597	04/09/2001	John C. Tang	0007056-0031/P5063/RSH	7956

32291 7590 08/10/2005

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER

STEELMAN, MARY J

ART UNIT	PAPER NUMBER
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2191

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/829,597

Applicant(s)

TANG ET AL.

Examiner

Mary J. Steelman

Art Unit

2191

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

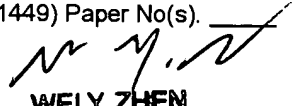
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3-9,11-17,19-33,35-41 and 43-48.
Claim(s) withdrawn from consideration: 2,10,18,26,34 and 42.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____


WEI Y. ZHEN
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Examiner withdraws the objections to the claim numbering as submitted 11/05/2004. By this amendment claims are correctly numbered. Applicant has argued, in substance, the following:

(A) As noted on page 14 3rd paragraph of Remarks, "Cohen does not disclose...composing a list of one or more related items i.e. users or objects, based on a relationship between the users, the users and the objects, and two objects defined by a metric. There is nothing in Kavensky that would have cured any of the deficiencies..."

Examiner's Response: Cohen is not used in the rejection of this limitation. Kanevsky suggested:

Col. 7, line 38-col. 8, line 11, "...invention organizes icons, web links, text, etc. presented on a GUI so that related or relevant information is presented in a useful manner...relevancy may be automatically determined based upon combinations of various criteria (relationship between the users, the users and the object and two objects defined by a metric) such as the information's history of use (a metric), the content of the information (a metric), etc...may automatically cluster (composing a list of related items)...items that represent information with similar characteristic or that have some association or linkage (metric may be a measure of association), for example when a user often selects one item and subsequently selects another...", "Particularly, a relationship and strength of relationship...may be determined from one or more factors such as...number of times the information has been accessed by the user (user and object relationship) or by others...", line 67, "the precise nature of the person...manager, CEO...", col. 8, lines 10-11, "A heuristic algorithm (metric) may be implemented for correlating relevance..."

(B) As noted on page 14, 3rd paragraph, Applicant argues there is no prima facie case of obviousness to combine the references.

Examiner's Response;

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Cohen *USPN 6507845 B1 realized the need for improving collaborative working (col. 1, lines 24-25) through the use of software tools (col. 1, lines 45-56) to represent information collaborators need. Similarly, Kanevsky (USPN 6427761 B1) realized the need to organize (col. 1, lines 40-45) according to user-specified criteria, relating information to be easily understood. Both references were filed in 1999 and represent the state of the art at the time.

Examiner maintains the rejection of claims 1, 3-9, 11-17, 19-33, 35-41, 43-48.